

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

IN RE:

Nancy J. Richards

HSBC Bank USA, National Association, as  
Trustee for the holders of the certificates  
issued by Deutsche Alt-A Securities Mortgage  
Loan Trust, Series 2006-AR3,  
VS.  
Nancy J. Richards

CHAPTER 7  
CASE NO. 08-13376-ANV

MOTION FOR RELIEF FROM STAY TO VALIDATE FORECLOSURE SALE AND  
MEMORANDUM IN SUPPORT THEREOF

To the Honorable Arthur N. Votolato:

HSBC Bank USA, National Association, as Trustee for the holders of the certificates issued by Deutsche Alt-A Securities Mortgage Loan Trust, Series 2006-AR3, your moving party in the within Motion, respectfully represents:

1. The movant has a mailing address c/o America's Servicing Company, 1 Home Campus, MAC# x2302-04c, Des Moines, IA 50328.
2. The debtor, Nancy J. Richards, has a mailing address of 3 Newton Aveune, Westerly, RI 02891.
3. On October 29, 2008, the debtor filed a petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Rhode Island.
4. The movant was the holder of a first mortgage on real estate in the original amount of \$287,920.00 given by Nancy J. Richards to Mortgage Electronic Registration Systems, Inc. on or about May 23, 2006. Said mortgage is recorded with the Woonsocket Land Records at Book 1536, Page 207 and covered the premises located at 113 Transit Street, Woonsocket, RI 02895.

5. Said mortgage secured a note given by Nancy J. Richards to Access National Mortgage in the original amount of \$287,920.00.
6. Pursuant to Rhode Island General Laws, the movant exercised its rights under its first mortgage and conducted a lawful foreclosure sale on October 17, 2008 wherein it was the highest bidder with a bid of \$150,000.00.
7. This bankruptcy case was filed after the auction but prior to your movant's ability to record the foreclosure documents.
8. The movant seeks relief from stay as the owner of the Property to enforce its rights under applicable law. In support thereof, the movant states that it is entitled to relief pursuant to 11 U.S.C. 362 (d)(1) on the basis that the movant is entitled to record its certification of ownership and pursue its state rights and remedies including any action to gain occupancy of the property from the debtors who continue to hold over and occupy the Property owned by the movant without cause, thus denying the movant its right to possession and enjoyment.

WHEREFORE, the movant prays that:

- (i) it, and its successors and/or assigns, be granted relief from the automatic stay for the purpose of exercising its rights to the property including but not limited to recording the foreclosure documents and gaining rightful possession of the property;.
- (ii) the court waive the requisite 10 Day Stay under F.R.B.P. 4001(a)(3); and
- (iii) the Court order such other and further relief as may be just and proper.

Respectfully submitted,

HSBC Bank USA, National Association, as Trustee  
for the holders of the certificates issued by Deutsche  
Alt-A Securities Mortgage Loan Trust, Series 2006-  
AR3,  
By its Attorney

/s/ Elizabeth A. Lonardo  
Elizabeth A. Lonardo, Esq.  
RI # 7714  
HARMON LAW OFFICES, P.C.  
P.O. Box 610345  
Newton Highlands, MA 02461-0345  
781-292-3900

Dated: November 6, 2008

**Within ten (10) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.**

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CERTIFICATE OF SERVICE

I, Elizabeth A. Lonardo, Esq., state that on November 6, 2008, I electronically filed the foregoing Motion for Relief from Stay to Validate Foreclosure Sale and Proposed Order with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Jack D. Pitts, Esquire for the Debtors  
Andrew S. Richardson, Esq. Chapter 7 Trustee  
Sandra Nicholls, Esquire, U.S. Trustee

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Elizabeth A. Lonardo  
Elizabeth A. Lonardo, Esq.  
RI # 7714

Nancy J. Richards  
3 Newton Avenue  
Westerly, RI 02891

EXL/MZL/200807-1339/Richards, Nancy